REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed October 18, 2007. This Reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and presents amendments as well as reasons why Applicant believes that the claimed invention, as amended, is novel and unobvious over the applied prior art. Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Pursuant to Applicant Initiated Interview Requests submitted on December 5, 2007 and December 17, 2007, a telephonic interview was conducted on January 3, 2008 between Examiner Kenneth Coulter, Assignee Eric White, Attorney Christopher Glover and Attorney Katharina Schuster. Possible claim amendments were discussed as well as differences between embodiments as claimed and the cited prior art reference. Examiner Coulter orally agreed that the claim amendments presented herein would likely overcome the 102(e) rejection. Applicant appreciates the time taken by Examiner Coulter to discuss the pending claims and review Applicant's present application.

Status of the Claims

Claims 1-60 were rejected. Claims 1-2, 18-20, 36-38, 54-55 and 59 are amended herein. Support for the amendments submitted herewith can be found at paragraphs 0056, 0064-0065 of the Specification as originally filed. No new matter is introduced. Thus, claims 1-60 are pending.

Rejections under 35 U.S.C. § 112

Claims 1-60 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Federal Circuit has repeatedly held that "the specification must teach those skilled in the art how to make and use the full scope of the claimed invention without 'undue experimentation'." *In re Wright,* 999 F.2d 1557, 1561, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993). Nevertheless, not everything necessary to practice the invention need be disclosed. In fact, what is well-known is best omitted. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991). All that is necessary is that one skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art. Further the scope of enablement must only bear a "reasonable correlation" to the scope of the claims. See, e.g., *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970). See also MPEP 2164.08.

It is respectfully submitted that, given the level of knowledge and skill in the art, by describing the bandwidth of a network (*see*, e.g., paragraphs 0054-0055, 0057 and 0060), the Specification sufficiently teaches those skilled in the art how to make and use the full scope of the claimed invention without "undue experimentation". Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-60 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0029260 ("Dobbins"). This rejection is respectfully traversed and the traversal of the rejections with respect to independent claims 19, 37 and 55 will be collectively discussed hereinafter with respect to independent claim 1.

Claim 1 recites:

A device for allocating network bandwidth on a per user basis comprising:

a processor;

a first network interface coupled to the processor;

a second network interface coupled to the processor;

a storage medium accessible by the processor;

a set of computer instructions stored on the storage medium, executable by the processor to:

retrieve a set of user profiles, wherein each user profile corresponds to a specific user in a set of users;

establish at least one network bandwidth limit for each user in the set of users based on the corresponding user profile for that user;

for each user in the set of users, regulate network bandwidth usage associated with that user based on the at least one network bandwidth limit established for that user; and

dynamically update the at least one network bandwidth limit for at least one user from the set of users.

By contrast, Dobbins does not appear to "dynamically update the at least one network bandwidth limit for at least one user." Instead, Dobbins teaches a system in which subscribers of services from service providers are identified and the subscribed services are made available to the subscriber. *See* Dobbins, paragraphs 0023, 0074 and 0076. Dobbins does not appear to teach a system in which a network bandwidth limit established for a user may be dynamically updated in real-time.

Furthermore, from paragraph 0023 and the Dobbins reference as a whole, it appears that Dobbins does not allocate, in real-time, network bandwidth on a per user basis. By contrast, embodiments of claim 1 can dynamically allocate network bandwidth to end users on an individualized basis. In this way, for example, depending on user profiles and various factors

such as network conditions, two users on the same network might be allocated with the same or different bandwidth limits. *See* Specification, paragraphs 0055-0061.

During the aforementioned Examiner interview, Examiner Coulter orally agreed that the amendments to claim 1 as presented herein would likely overcome the 102(e) rejection. For similar reasons, Applicant respectfully submits that independent claims 19, 37 and 55 and the respective dependent claims 20-36, 38-54 and 56-60 are not anticipated by Dobbins under 35 U.S.C. § 102(e) and therefore should be allowed. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of claims 1-60. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant

Katharina Wang Schuster
Reg. No. 50,000

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1301 W. 25th Street, Suite 408
Austin, TX 78705
Tel. (512) 637-9220
Fax. (512) 371-9088